

IN THE UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF MARYLAND, SOUTHERN DIVISION

KUSELINA LISITONI  
:  
:  
v. CIVIL ACTION NO: RDB-03-123  
:  
ANJIMILE MTLA DOKA, et al.  
:

MEMORANDUM OPINION AND ORDER

Pending is the Motion to Vacate the Entry of Default of Defendant Yahaya Doka ("Mr. Doka").<sup>1</sup> Pursuant to Rule 55(c) of the Federal Rules of Civil Procedure, "[f]or good cause shown the court may set aside an entry of default...."

On January 24, 2003, Plaintiff attempted to serve process on Mr. Doka by delivering and leaving a copy of the summons and complaint at 202 Fleetwood Place in Silver Spring, Maryland. Mr. Doka avers, under oath, that he was no longer residing there, as he was separated from his wife at that time. His wife did not forward a copy of the service to his new address. He further avers that he became aware of the suit on or about April 16, 2003 when the United States Post Office forwarded to him a copy of Plaintiff's Motions for Entry of Default and Default Judgment. Mr. Doka timely filed this Motion to Vacate and an answer to Plaintiff's complaint

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<sup>1</sup> Mr. Doka styled his motion as one to vacate default judgment; however, only entry of default has been entered against him. Thus, the court shall treat the motion as one to vacate the entry of default.

within one week of discovering the pendency of this lawsuit.

Having found that Mr. Doka has shown good cause for his failure to answer the complaint;

IT IS HEREBY ORDERED this 8th day of May 2003:

1. That the Motion to Vacate the Entry of Default, styled as a Motion to Vacate Default Judgment, BE, and it hereby IS GRANTED;

2. That the Clerk of the Court shall VACATE the entry of default entered against Yahaya Doka on April 15, 2003;

3. That the complaint shall be DEEMED ANSWERED by Defendant's answer attached to his motion as Exhibit 1;

4. That the parties shall PROCEED in accordance with the Scheduling Order entered on April 28, 2003;

4. That Plaintiff's Motion for Default Judgment, BE, and it hereby IS RENDERED MOOT; and

5. That the Clerk of the Court send copies hereof to counsel for the plaintiff and the defendants.

/s/  
Richard D. Bennett  
United States District Judge